



Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner contacted Mr. Miekle on October 29, 2009 to discuss possible allowable subject matter in the claims. The examiner reviewed recommendations to place the claims in better condition for allowance which included placing a structure in claims 1 and 12 for component (b) a glyphosate derivative II, cancelling claim 8, and adding the ratio into claim 1. It was discussed that these changes could be done by an examiner's amendment. Mr. Miekle indicated he would contact Applicant to relay the purposed changes. 11/3/09-Mr. Miekle called to state that he had spoken with his client and that instead of a structure, the client wanted to add in claims 1 and 12, after a glyphosate derivative II "selected from the group consisting of glyphosate as a free acid or a salt. In addition, Applicant proposed to also add a claim "The method of claim 7, wherein compound (b) is glyphosate isopropylammonium salt, glyphosate sodium salt, glyphosate ammonium salt, and glyphosate trimethylsulfonium", page 11, lines 18-23. At that time the examiner indicated upon further review of the specification and the declaration, Applicant did not have support for the weight ratio of compound 1a to glyphosate derivative II of 5:1 to 0.01:1, specifically the 5:1 ratio. The examiner indicated Applicant did have support for the ratio of 1:1 to 0.1 to 1, page 12, lines 21-23. This weight ratio range could be added to claims 1 and 12 as the weight ratio. The examiner would check with the conferees to see if the proposed changes to the claims would be acceptable. Mr. Miekle would share the information about the ranges with Applicant to see if Applicant would agree to proposed changes to the ratios. 11/4/09-The examiner contacted Mr. Miekle to indicate that the changes proposed by Applicant would be acceptable. No response from Applicant on the ratio changes. 11/13/09-Mr. Miekle contacted the examiner to indicate Applicant had support for more than the proposed weight ratio ranges, 13% of pyraclostobin, which was more than the 10% in the proposed claims according to page 2 of the declaration. Applicant proposed a range of 0.05:1 to 1:1, support provided on page 11, lines 14-16. The examiner indicated the information would be reviewed and the examiner would call Mr. Miekle with an answer. 11/17/09-The examiner contacted Mr. Miekle to indicate the support information on page 11, lines 14-16, are in support of a weight ratio for a fungicidal mixture of strobilurins I and azoles 1x, not a compound of formula 1a to a glyphosate derivative II. Mr. Miekle agreed. He indicated according to the last correspondence from Applicant the proposed ratio of 1:1 to 0.1:1 would not be acceptable. The examiner indicated that since an agreement could not be reached, she would send out a Final Office Action rejecting claim 7-15 and objecting to claim 16-17, which have the weight ratios in which Applicant has provided support.